

Memorandum

To : Mr. Craig Manson
General Counsel

Date : May 26, 1993

From : Department of Fish and Game

Subject : Review of Memorandum of Law Demonstrating Compliance by the
State of California with 16 USC Section 1535(c) Pertaining to
Endangered Species Protection

I have reviewed the comments provided by your staff (Attachments) and agree that it would be in the best interest of the Department to immediately pursue having the Memorandum of Law (MOL) updated. The California Endangered Species Act as it applies to commercial fishing as well as recent State and Federal court decisions pertaining to unscreened or poorly screened diversions (and protection of aquatic species from unauthorized take at these diversions) will be of fundamental concern to the National Marine Fisheries Service when reviewing the MOL and the Department's application for a Section 6 Cooperative Agreement.

Please take the appropriate measures to complete updating the MOL. If you need further information, please contact Ms. Deborah C. McKee, Inland Fisheries Division at (916) 653-8983. Your attention to this matter is greatly appreciated.

COPY Original signed by
A. Petrovich, Jr.
A. Petrovich, Jr.
Deputy Director

Attachments (2)

cc: Ms. Deborah McKee, Inland Fisheries Division